

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY WILSON

Plaintiff,

CIVIL ACTION NO. 05-CV-40361-DT

vs.

DISTRICT JUDGE PAUL V. GADOLA

ACADEMIC FINANCIAL SOLUTIONS,
et al,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

**OPINION AND ORDER GRANTING DEFENDANT RESIDENTIAL LOAN CENTER'S
MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO FRCP 12(e) (DOCKET # 14)**

On December 2, 2005 Defendant Residential Loan Center ("RLC") filed a Motion for More Definite Statement pursuant to Federal Rules of Civil Procedure, Rule 12(e) (Docket # 14). Plaintiff filed no response. District Court Judge Paul V. Gadola referred this motion to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A) on February 24, 2006. Defendant RLC appeared through counsel for oral arguments on April 3, 2006. Plaintiff did not appear for the hearing.¹ Defendant's motion is now before this Court.

* * * * *

Defendant RLC seeks a more definite statement as to Count I of Plaintiff's Amended

¹ Court records indicate that Plaintiff was served at his address of record with a copy of Defendant RLC's motion on December 2, 2005 and of this Court's notice of the April 3, 2006 hearing on March 13, 2006.

Complaint.² The Federal Rules of Civil Procedure only require that a complaint include “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Nevertheless, a party may file a motion for a more definite statement if the complaint is still “so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading.” Fed. R. Civ. P. 12(e).

Count I of Plaintiff’s Amended Complaint (Docket # 1) asserts a violation of the Fair Credit Reporting Act. The Amended Complaint states that the Credit Report Agency maintains a copy of Plaintiff’s consumer report, that Defendants obtained a copy of that report from the Credit Report Agency and that “Defendant used and/or obtained plaintiff’s consumer report without a permissible statutory purpose and/or by false and deceptive means.”³ (Am. Comp. at ¶¶ 6-8). Defendant RLC contends that Plaintiff’s pleading fails to provide it with sufficient notice of what wrongful acts Plaintiff claimed occurred and whether Defendant RLC is alleged to have committed them, when the alleged wrongful acts occurred, and upon which statutory authority Plaintiff bases his claim for relief.

Based upon Defendant RLC’s written motion and oral arguments, Defendant RLC’s Motion for More Definite Statement is **GRANTED** to the extent that Plaintiff’s Amended Complaint fails to comply with Federal Rules of Civil Procedure, Rule 8(a)(2).

THEREFORE, IT IS HEREBY ORDERED that Plaintiff has ten (10) days from the date of

² The remaining counts of the Amended Complaint were remanded to state court by Judge Gadola on January 23, 2006 (Docket # 17).

³ Although the Amended Complaint references two attachments as to Count I, no attachments were filed with this Court according to Docket # 1. At the hearing, defense counsel also indicated that no attachments were filed with the Amended Complaint.

this Order's issuance to file a Second Amended Complaint as to Count I that specifically states:
(1) whether Count I is alleged against Defendant RLC; and if so (2) the time frame when Defendant RLC allegedly committed said wrongful acts; and (3) under what statutory authority Plaintiff seeks relief against Defendant RLC.

IT IS SO ORDERED.

Notice to the Parties

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: April 05, 2006

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this order was served upon Counsel of Record and Anthony Wilson on this date.

Dated: April 05, 2006

s/ Lisa C. Bartlett

Courtroom Deputy